

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-1999

United States of America,

Appellee,

v.

John Cogbill,

Appellant.

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Appeal from the United States
District Court for the
Western District of Arkansas.

[UNPUBLISHED]

Submitted: February 10, 2005

Filed: February 16, 2005

Before BYE, RILEY, and COLLOTON, Circuit Judges.

PER CURIAM.

After John Cogbill (Cogbill) pled guilty to possessing cocaine base with intent to distribute, the district court¹ sentenced him—in accordance with his plea agreement—to the mandatory statutory minimum of 120 months imprisonment. See 21 U.S.C. § 841(b)(1)(A). Cogbill appeals. His counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967). Having carefully reviewed the record under Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. See United States v. Reyes-Contreras, 349 F.3d 524, 525 (8th Cir. 2003) (per curiam)

¹The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas.

(defendant who received 10-year prison sentence could not challenge conviction or sentence on appeal because he acknowledged that, by pleading guilty, he was subjecting himself to statutory minimum penalty of 10 years imprisonment); United States v. Dabney, 367 F.3d 1040, 1044 (8th Cir. 2004) (holding a district court's refusal to grant a downward departure is unreviewable unless based on an unconstitutional motive or an erroneous belief it lacked authority to depart). Accordingly, we affirm, and we grant counsel's motion to withdraw.
